

Submitted October 11, 2023
Approved October 11, 2023

MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 11-2023
Wednesday, July 12, 2023

The City of Rockville Planning Commission convened in regular session at City Hall and virtually via WebEx at 7:00 p.m.
Wednesday, July 12, 2023

PRESENT

Eric Fulton - Chair

Suzan Pitman	Sam Pearson
Jaime Espinosa	John Tyner II

Absent: Shayan Salahuddin

Present: Nicholas Dumais, Senior Assistant City Attorney
 Jim Wasilak, Chief of Zoning
 Tim Chesnutt, Director of Recreation and Parks
 Bryan Barnett-Woods, Principal Planner

Chair Fulton opened the meeting at 7:00 p.m., noting the absence of Commissioner Salahuddin.

I. RECOMMENDATION TO THE MAYOR AND COUNCIL

A. Recommendation to the Mayor and Council on Zoning Text Amendment TXT2023-00262, Proposed Parkland Dedication Requirements, and Proposed City Code Amendment to Implement a Parks Impact Fee; Mayor and Council of Rockville, Applicant

Mr. Wasilak explained that there would be a briefing for the Commission on the zoning text amendment and City Code amendment, with the staff recommendation on both to be presented at the next meeting. He explained that the purpose of the text amendment was to put in place a requirement on new development that would yield new public parkland. The combination of both amendments would include a park impact fee on new residential development, as well as require dedication of public parkland for projects that are greater than five acres in area.

The development triggers for requiring parkland dedication would be 20 or more dwelling units or 25,000 square feet of nonresidential development on projects that are on five acres or more. The minimum percentage to be dedicated would be ten percent of the site to achieve a minimum park site of .5 acres. Suitability standards for the parkland would be developed. In lieu of actual dedication, there would be a fee-in-lieu based on the property value of the land. An option for the applicant would be to acquire land that is not within the development but in close proximity and dedicate it as public parkland.

Mr. Wasilak displayed a map that showed existing parcels that are greater than five acres that potentially would be subject to the new requirement. The areas include the Piccard Drive and Research Boulevard corridors as well as the Twinbrook Metro area, all of which are areas where future development is expected.

Suitability standards for the land to be dedicated would include that it be substantially usable as parkland, and demonstrated through submission of a conceptual park plan. The authority for accepting the proposed dedication would be with the Mayor and Council, with recommendations by the Planning Commission, Recreation and Parks Board as well as the Recreation and Parks Director.

Fee-in-lieu of dedication would be possible if dedication is not feasible or desired, and based on ten percent of the fair market value of the site. Fee-in-lieu may be offset by an amount equivalent to the value of improvements constructed in the public parkland.

The Park Impact Fee is another method of achieving parkland in that the fee must be spent on parkland acquisition and capital projects but not operations. It would be assessed on new residential units only. The value of land to be dedicated could be credited toward the park impact fee.

Staff developed a methodology for calculating the impact fee per unit type, which is based on the amount of the 5-year recreation and parks Capital Improvement Plan and operating budget, divided by the city population, and then multiplying that per person figure by the persons per household per unit type. This amounts to \$2,208 per single unit detached dwelling, \$1,918 per single unit attached dwelling and \$1,547 per multifamily units, payable at the time of building permit. If a pool is proposed with in a development, that would reduce the amount of the impact fee.

Mr. Wasilak summarized the public comment received, noting issue such as applicability of the new regulations to certain development projects, and whether credit should be given for private improvements. He outlined that zoning text amendment process remaining.

Tim Chesnutt noted that the City Manager identified this issue as a potential solution several years ago, and expressed support for the Planning Commission reviewing the draft so that it could move forward.

CJ Overly with BXP, developers of the Shady Grove Innovation District, addressed the Commission by acknowledging that the motivation for the text amendment is sound as a quality of life issue. He stated that using the site size only has the effect of singling out larger parcels and reducing their value due to the dedication requirement. He also stated that the parkland dedication requirement should not apply to commercial development, as most of the park demand comes from residential development. An option to consider would be to develop public use space in conjunction with staff that could meet the intent of the amendment.

Commissioner Pitman asked for examples of public use space, as it currently exists. Mr. Wasilak responded that there is a public use space requirement based on the zone, that provides open area or amenities, that is approved along with a site plan application. There is a list of items such as enhanced sidewalks, that count toward public use space. It has been difficult to achieve meaningful public use space on every site, although the requirement has been effective in larger projects. Public use space must be accessible to the public but not necessarily owned by the Mayor and Council.

Chair Fulton asked if public use space as described is similar to what Mr. Overly discussed. Mr. Wasilak responded that if private space counts toward the public parkland requirement, that the space would have to meet the criteria for parkland in order to be considered equivalent.

Chair Fulton asked if the required parkland could be divided into smaller noncontiguous parcels. Mr. Wasilak responded that the draft did not prohibit this but would be reviewed as part of the development review process. Mr. Chesnutt noted that Recreation and Parks' preference is for each park to be a minimum of .5 acres.

Commissioner Espinosa asked about St. Paul, MN and why that city includes residential and commercial for parkland dedication and they appear to be treated the same, when they have documented that 90 percent of the demand for park facilities comes from residential use. Mr. Dumais clarified that the city's impact fee ordinance is limited to residential development, but the parkland dedication ordinance could be similarly limited. Mr. Chesnutt added that there is significant use of public parkland on the part of daytime workers in the City.

Mr. Dumais further clarified that the two ordinances don't have to be adopted together, but that the Commission could recommend one or the other or both. He noted that the dedication ordinance would have to be redrafted to include private parkland to meet the requirement. Commissioner Espinosa asked if the ordinance could be drafted to have different requirements for residential and nonresidential, and Mr. Dumais answered that it could be.

Commissioner Pitman asked Mr. Chesnutt if the proposal will achieve the recommendations in the PROS (Parks, Recreation and Open Space) Plan and the Strategic Plan. Mr. Chesnutt responded that even with the ordinance, it will not be the sole source of funding to expand the parks system, but rather would supplement other sources. Commissioner Pitman asked if Recreation and Parks is thinking outside the box on the types of facilities that serve the public, such as nighttime and private activities and facilities. Chair Fulton cautioned against increasing costs to developers and future residents that would be a barrier to entry, and hoped for an achievable balance between green space and affordability. Mr. Chesnutt added that in his experience, although there may exceptions to the rule, once a developer moves on the maintenance of developer-installed improvements becomes an issue for the jurisdiction.

Commissioner Tyner, in reviewing the map of properties with potential parkland sites, may not align where parkland is needed. He explained that the impact fee would not affect existing residents and would be added to the cost of new development. He felt that the proposal is in line with achieving parkland in the best way possible, as better alternatives may not exist. He also

suggested that staff relook at potential grandfathering of existing projects so as not to change the environment for development.

II. REVIEW AND ACTION

A. Presentation, Discussion and Approval of the 2022 Planning Commission Annual Report

Mr. Wasilak presented the Annual Report, which is a requirement of State Code. Once the Commission approves the document, it is sent to the Maryland Department of Planning and the Mayor and Council. He noted that 65 building permits were issued for new townhomes in the City, and pointed that a revised sewer and water deficiency section had been received. The other major part of the plan is the map of Planning Commission actions on development application.

Chair Fulton asked if the Commission should vote on the report to adopt it, and Mr. Wasilak responded affirmatively. Commissioner Tyner commended staff on including what happens just outside Rockville's borders. Chair Fulton noted that the reference to the White Flint Metro station should reflect the new name of North Bethesda Metro station.

Commissioner Pitman moved, seconded by Commissioner Tyner, to approve the Annual Report with updates presented by Mr. Wasilak. The motion passed unanimously 4-0, with Commissioner Salahuddin absent.

III. COMMISSION ITEMS

- A. Staff Liaison Report** – Mr. Wasilak noted that the next Planning Commission meeting would be on July 26th that will include a Final Record Plan for 22 West Jefferson Street, where the Commission had recently approved a Site Plan. There would also be a recommendation on the Project Plan in Tower Oaks which proposes 83 townhomes in addition to the parkland dedication text amendment. He also noted that the Zoning Ordinance Rewrite process will begin in the Fall, and the retreat could be scheduled just prior to that, in late August or early September. Chair Fulton suggested that a Doodle poll might be in order to gauge availability.
- B. Old Business** – Rules of Procedure: Mr. Dumais noted that additional text has been added at the previous suggestion of the Commission. Chair Fulton noted that he had suggested that the document include the pronoun “they” as being more inclusive. Commissioner Tyner moved, seconded by Commissioner Pitman, to approve the Rules of Procedure dated July 12, 2023. The motion was approved unanimously, with Commissioner Salahuddin absent.
- C. New Business** – None.
- D. Minutes Approval**– Meeting No. 7-2023: Commissioner Tyner moved, seconded by Commissioner Pearson, to approve the minutes for Meeting No. 7-2023 on April 26, 2023. The motion carried 3-0 with Commissioner Pitman abstaining and Commissioner Salahuddin absent.

E. FYI/Correspondence –None.

IV. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Tyner moved, seconded by Commissioner Pitman, that the meeting be adjourned at 8:05 p.m. The motion was approved unanimously.

Respectfully Submitted,



Commission Liaison